(A) (3)

(F) 100

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No.4845 /2004

PETITIONER : Heeralal Soni, aged about 34 years, S/o. Dashrath Soni, R/o. Shantinagar Phokatpara, Police Station Kusmunda, District Korba, Chhattisgarh

A89/04 Rake Ch. Pandey

P.R. No.
Presented by Shri
dated 15-12-04

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Government of Chhattisgarh, Department of Home Affairs, DKS Bhawan, Mantralaya, Raipur, Chhattisgarh

2. The District Magistrate, Korba, District Korba, Chhattisgarh

3. The Superintendent of Police, District Korba, Chhattisgarh

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Clerk to A.G. Bilaspur 15.12.04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(32)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) 4845/05 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

11-1-2005

Shri Ranbir Singh, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Govt. Advocate for the State/respondents.

The petitioner has preferred this petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the show cause notice dated 10-12-2004 issued by the District Magistrate, Korba under the provisions of Sections 3, 5 and 8 of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990, Annexure-P/1.

I have heard learned counsel for the parties on the question of admission of this petition.

Learned counsel for the petitioner submitted that based on one criminal case registered against the petitioner show cause notice has been issued against him.

But it is not a case where the Collector lacks jurisdiction and not authorized to issue notice, therefore, it cannot be said that the notice has been issued for absolute want of jurisdiction and was totally non est, as has been held by the Hon'ble Apex Court in the matter of **Special Director and another v. Mohd. Ghulam Ghouse and another** reported in **2004 AIR SCW 416** that any petition questioning the show cause notice is not maintainable and the

(33)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	petitioner is required to file reply of the show cause notice and he is entitled to raise those points in reply to show cause notice before the Collector. Therefore, in view of the above law laid down by the Hon'ble Apex Court, the petition is not maintainable, same is liable to be dismissed and it is accordingly dismissed. **Sd/-** **L.C.BHADOO** **Judge**	
Barve		

17/1/05
28/1/05